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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,739	04/06/2001	Jim Reich	540606-2001	9745
75	590 12/16/2002			
Edgar H. Haug, Esq. c/o FROMMER LAWRENCE & HAUG LLP 745 Fifth Avenue			EXAMINER	
			RUDDOCK, ULA CORINNA	
New York, NY 10151				
			ART UNIT	PAPER NUMBER
			1771	1.
			DATE MAILED: 12/16/2002	Y

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Applicant(s) Office Action Summary Examiner Link Children L				#5			
Examiner Use C Ruddock 1771 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examination of time may be available under the provisions of 37 CPR 1.135(a). In so event, however, may a reply be limitely filed. If the period for reply a serial advance the provisions of 37 CPR 1.135(a), in no event, however, may a reply be limitely filed. If the period for reply as serial advance is less than thing (30) days, a reply while the statistic primitism of thing (30) days well be considered timely. If the period for reply as serial advances is less than thing (30) days, a reply while the statistic primitism of thing (30) days well be considered timely. If the period for reply as serial advances is less than thing (30) days, a reply while the statistic primitism of thing (30) days well be considered timely. If the period for reply as serial advances is less than thing (30) days, a reply while the statistic primitism of the replication of the communication. Any reply exceed by the difficulation is less than this quality and will expire SX (50) MONT IST from the mailing date of the communication, even if timely filled, may reduce any serial patent term adjustment. Sea 37 CPR 1.74(b). Status 1) Responsive to communication (s) filed on @6 April 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)114 is/are pending in the application. 4a) Of the above claim(s)	•		Application No.	Applicant(s)			
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	1) Notice	e of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal	· · · · · · · · · · · · · · · · · · ·			

Application/Control Number: 09/837,739

Art Unit: 1771

DETAILED ACTION

Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-11, drawn to an antimicrobial material, classified in class 428, subclass 373+.
 - II. Claims 12-14, drawn to a method of making an antimicrobial material, classified in class 28, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made by another process, i.e. by hydroentangling the polyester and acetate fibers to each other.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Samuel Megerditchian on August 13, 2002, to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C Ruddock whose telephone number is 703-305-0066. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

UCR WCA December 15, 2002

Ula Ruddock